

APPENDIX 4

APPA POSITION PAPERS

Juvenile Justice

(Approved 1996)

Juvenile justice systems include court, probation, parole, prevention and intervention programs and agencies responding to delinquent and other behaviors identified in juvenile statutes. The system may encompass delinquents, status offenders and victims of abuse and neglect. Juvenile justice system agencies are urged to develop policies, programs and practices reflecting the following principles:

Juvenile justice systems must have the flexibility to meet the needs of the broad range of children and youth served, from the most violent youth to those children who are victims of abuse and neglect. The judicial process, treatment and authority vested must be responsive to the needs of children and youth and to protecting society. For many years studies have shown that child abuse and neglect are predictive of delinquent behavior and adult crime. Moreover, general societal attitudes of intolerance of differences and glorification of violence contribute to these same behaviors. These root causes must be addressed through appropriate intervention throughout the juvenile justice process as well as through changes at the community level. Therefore:

- I. The juvenile justice system must offer a continuum of services which includes the appropriate resources to meet the needs of children and youth who are victims and/or offenders. Such a continuum should offer a range of services from prevention and early intervention to remedial and extended care and custody while recognizing the importance of partnerships with other systems of service delivery. The priority of this continuum should be, whenever possible, to eliminate the risk of delinquent behavior through primary prevention.
- II. Coercive intervention and remedial services should follow the least restrictive principle by offering varying levels of supervision and custodial care. Agencies should develop and use a risk and need assessment procedure to assist in making custody, dispositional and/or supervision decisions.
- III. Every effort should be made to address the need of the child or youth for permanence and bonding with the family and home community. To the degree possible, services should be inclusive of, and cognizant of, family issues and needs.
- IV. Service systems should be built on principles which reflect the individual growth and development of children and youth and provide effective and humane approaches to supervision, custody and treatment while recognizing the uniqueness of each individual child and youth. Service systems should utilize rewards as an integral component in responding to children and youth, and holding them accountable for their behaviors. At the same time, court ordered sanctions and conditions, as well as agency decisions should demonstrate consistency and equity.
- V. The restoration of victim, offender and community should be included as part of any service system addressing juvenile delinquency.
- VI. All agencies, acting on behalf of the government and involved in the life of a child or youth must accept the resulting responsibility to provide services or assist in securing appropriate services which guide and nurture children and youth toward healthy and productive adult lives. This fundamental principle should guide the justice and service delivery

processes so that sanctioning and coercive control support and assist healthy emotional and social development.

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Community Justice

Working Definition of Community Justice

Community justice is a strategic method of crime reduction and prevention, which builds or enhances partnerships within communities. Community justice policies confront crime and delinquency through proactive, problem-solving practices aimed at prevention, control, reduction and reparation of the harm crime has caused. The goal is to create and maintain vital, healthy, safe and just communities and improve the quality of life for all citizens.

Position Statement

APPA believes that, at times, traditional criminal and juvenile justice policies and practices have not been able to attain genuine peace and safety and may have alienated and ignored citizens and victims. Community justice principles of crime prevention plus victim and community reparation offer greater hope of securing genuine peace and justice and of gaining community satisfaction with its justice system.

APPA therefore resolves that the principles of community justice will guide the work of the organization in keeping with its proclaimed motto of "Community Justice and Safety for All." The vision of APPA is a community justice vision. This vision will guide the organization in promoting adult and juvenile probation and parole policies and practices that are grounded in community justice principles and values.

Principles of Community Justice

The community is the nexus of community justice; therefore, each individual community must ultimately define the concept and practice of community justice. The work must nonetheless remain true to an ideal as expressed by the following guiding principles:

- The community, including individual victims and offenders, is the ultimate customer, as well as partner of the justice system.

Partnerships for action, among justice components and citizens, strive for community safety and well being.

The community is the preferred source of problem solving and citizens work to prevent victimization, provide conflict resolution and maintain peace.

- Crime is confronted by addressing social disorder, criminal activities and behavior, and by holding offenders accountable for the harm they cause

to victims and the community.

Core Values

The justice system benefits the community by:

- striving to repair the harm caused by crime to individual victims and communities;
- working to prevent crime and its harmful effects;
- doing justice by addressing problems rather than merely processing cases; and
- promoting community protection through proactive, problem-solving work practices plus interventions aimed at changing criminal behavior.

These efforts help to create and maintain vital, healthy, safe and just communities where crime cannot flourish.

The Relationship Between Community Justice and Restorative Justice

Community justice and restorative justice often are used as synonymous terms. While the terms are complementary, they are not interchangeable. Community justice is a strategic method to control and reduce crime and therefore impacts the system in which we work. Restorative justice is a process of responding to criminal acts and impacts how we do our work. In other words, community justice seeks to transform the justice system to one that is inclusive and works in partnership with the community in order to impact the community *environment*. Restorative justice practices promote healing, reparation and reconciliation of all parties harmed by criminal acts. The desired results are peaceful, harmonious and just *relationships* among individual victims, offenders and their communities. Positive human relationships contribute to a positive community environment. Restorative justice is therefore crucial to the success of a community justice strategy.

Community Justice Strategy

A comprehensive community justice strategy:

- includes restorative justice practices and processes;
- includes both adult and juvenile offenders;
- focuses on creating safer communities rather than on doing things to or for offenders;
- pursues the goal of public safety within a scope of preventing victimization;

- places a high priority on the rights and needs of victims and the community;
seeks harmonious working relations among all justice components and practices, citizens, community and social service organizations, educational systems, and faith communities;
- focuses on problems *causing* as well as *caused by* crime; and
- promotes correctional programming that is based on sound research and measurable for effectiveness.

Caseload Standards

Introduction

In the spring of 1990, APPA member William J. Hughes raised the issue of whether the Association should develop standards for the size of supervision caseloads for probation and parole officers. Mr. Hughes noted that there are currently no national standards, and stated that he would like to see APPA take an active role in setting standards.

This request was sent to Association President Donald Evans, who referred it to the Issues Committee. This report sets forth the preliminary recommendations of the Committee. It is by no means the final word on the subject, and the Committee invites the membership to add their reactions and comments.

Background

The issue of the ideal size for a probation or parole caseload has been discussed for as long as there have been professionals in the field. National organizations and commissions have addressed the subject with regularity, if not with great success, in achieving compliance with those recommendations.

In the early days of the debate over the optimum caseload size, the number of 50 was suggested. Charles L. Chute of the National Probation and Parole Association is credited with establishing this number. A caseload of 50 survived as the accepted wisdom until the 1967 report of the President's Commission on Law Enforcement and the Administration of Justice. In the *Corrections* report, a caseload size of 35 was put forth as the new "best" size.

While organizations and national commissions were debating the wisdom of one or another caseload size, there was a good deal of research going on in probation and parole to empirically assess the effectiveness of various caseload sizes. Much of this research was conducted in California, and much of it was inconclusive. None of it definitively answered the question: "What is the ideal caseload size?"

Why is This Question So Hard to Answer?

To the casual observer, it would seem to be a rather straightforward question. Why can't the professionals in a well-established field, assisted by capable researchers, provide a definitive answer to the question of how many offenders a caseload officer should carry?

As with so many things, it is not so simple. Probation and parole may be a profession in North America, but they certainly do not represent a unified, coordinated service providing supervision of offenders under an accepted and comprehensive model of policy and procedure. On the contrary, probation and parole is a pluralistic, high decentralized enterprise engaged in by hundreds of departments at the federal, provincial, state, county and municipal level across North America. The diversity among these service providers is substantial, and thus it is very difficult to simply state, with any degree of confidence, much of anything which will apply uniformly to all (or even most) probation and parole agencies.

This variation among agencies is the result of locally determined policies and procedures, which are driven by statutes, court decisions, resources and other factors unique to a particular jurisdiction. Nonetheless, there are commonalties in issues and concerns which

link the agencies together. These form the basis for efforts such as these, to develop and issue standards which will be responsive to the needs of the field, while reflecting and accommodating the need for individualization by the agencies.

What Are the Key Elements of This Discussion?

It will be helpful to identify and briefly discuss the key elements involved in the determination of the optimal caseload size.

- 1 Successful Supervision Strategies--While the field of probation and parole is still looking for reliable supervision models, research has identified several key strategies which have proven effective in supervising offenders.

The most basic of these is differentiation of supervision. Simply stated, not every offender needs the same type or amount of supervision to achieve the goals of probation or parole. There are a number of proven and accepted methods for determining the type and amount of supervision, but the key is that in order to be most effective and efficient, there must be varying amounts of supervision provided to offenders.

This concept is crucial to the discussion of ideal caseload size because it states as a given that cases (probationers/parolees) will be treated differently in terms of the amount and type of supervision they will receive. This means that the caseload officer will be expected to give differing amounts of time and types of attention to different cases.

In practice, this translates into different types of frequencies of personal contacts for the caseload officer. Generally speaking, the more serious or higher priority cases are assigned a greater level of supervision, meaning that the officer will be expected to have more frequent contact with that offender (and others involved in the case). More frequent contact results in more time being spent on a higher priority case. The converse is also true, that lower priority cases demand less time of the caseload officer.

It thus becomes clear that in counting cases under this approach, it is necessary to factor in the priority of the case, as that will determine the amount of time the officer is required to spend. Cases cannot be counted as equal, because they are being assigned differing priorities, and are requiring differing amounts of caseload officer time.

2. The Workload Concept in Supervision - Over the past decade, a revolution of sorts has occurred in probation and parole supervision. A significant proportion of the agencies (including most of the largest) have adopted classification and case management systems for their supervision operations.

While these innovations have their roots in research and operations in many jurisdictions, it is clear that the greatest impetus for these changes was the work done in the Wisconsin Bureau of Community Corrections in the mid-1970s. The system developed was adopted by the National Institute of Corrections (NIC) as part of their Model System and was implemented by dozens of jurisdictions as part of the NIC efforts.

The Model System incorporates the differentiation in case priorities described earlier (known as classification) and complements that with a method of accounting for cases known as the "workload" model.

Like classification, the workload model is based on differentiation among cases. It bases that on the amount of time required to supervise a particular case up to standards. Since cases are assigned to different levels of supervision, they will require varying amounts of time for the officer to supervise up to standards. The workload concept factors time into the weight that a case receives in assigning it to an officer and for accounting for its contribution to the officer's total responsibilities.

Under a workload approach, individual supervision cases are not all equal. Some are worth more because they have greater requirements for the type and frequency of contact required. Others are worth less, because less is required.

Workload vs. Caseload

It is important for work to be assessed and recorded in a manner that reflects the priorities of the agency. Thus, if probation and parole agencies are adopting case management strategies which are based on differentiation of case supervision, then the method for assigning and accounting for those cases must accommodate that approach. It does not make sense to count every case as equal in assigning and accounting for total caseload if the basic supervision strategy is to purposely supervise cases differentially. The accounting scheme must also count cases differentially.

The workload concept does that, and thus is a more accurate and fair way to describe officer caseloads. It also, however, makes it more difficult to define an ideal caseload in numbers. This is because it is possible (and very likely) to have caseloads which are made up of different numbers of the various case types. An example is shown below:

Supervision Caseload

Case Priority	Hours Per Month	Total Caseload
High	4 hours	30 cases
Medium	2 hours	60
Low	1 hour	120

If the maximum number of hours available to the caseload officer is 120 per month, the caseload can be made up of 30 high priority cases, 60 medium priority cases, or 120 low priority cases. In all three instances, the officer would have a full workload, i.e., one where the number of hours needed to fulfill the minimum requirements on all the cases (demand) is equal to the amount of hours available to the officer (supply).

As the table illustrates, there are three caseloads where the total **number** of cases is very different, but the total **workload** is equal. When there is a mixture of all three priority level cases in one caseload, there are almost endless possibilities (between 30 and 120 in the example) as to the total number of cases in a given caseload that would equate to a full workload.

Difficulties in Developing National Standards

The process for developing a workload model for a given supervision agency is fairly straightforward, and has been well refined (see NCCD Workload Management brochure, attached). The difficulty comes in the diversity and pluralistic nature of the probation and

parole field. The process of setting priorities, and developing and implementing policy and procedures is by and large controlled by the individual agency. There is little that is done in all (or even most) probation and parole agencies with enough consistency of practice to support national workload standards. Among the points on which agency policies vary are:

- basis for classification (risk, needs, offense)
- contact standards (type and frequency)
hours of work, leave policies
- collateral duties

With all these points of variance, it would not be feasible to develop national workload standards.

What Should APPA Do?

It is clear that APPA's potential actions in this area are constrained by several factors.

The search for the single "magic number" for the optimal caseload size is futile, and counterproductive. It runs contrary to the current knowledge and practice in the field, and sets forth an unrealistic expectation that such a standard can be set, be achieved, and produce desirable results.

2. The current (and foreseeable future) state of professional practice in probation and parole is such that national standards based on a workload model could not be achieved. There is too much diversity in practice to enable the basic research and development to be completed. It is not realistic (or desirable) to attempt to force a national model on agencies to facilitate compliance with a national standard.
3. The need for national standards is real and urgent. No group has spoken effectively to this dilemma, and APPA is the only organization with both the resources and the stake. Probation and parole agencies are facing increasing workload demands, static or decreasing resources and greater demands for accountability.

Recommendation to the Executive Committee:

The Executive Committee should adopt a policy statement addressing the issue of national caseload size standards. The policy should:

- Encourage agencies to adopt a workload model for case assignment and accounting.
- Explain the workload model in brief, highlighting its advantages.

Recommend that agencies avoid, wherever possible, the use of undifferentiated caseload terminology.